

APPEAL NO. 032623  
FILED NOVEMBER 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 2, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and did not have disability. The claimant appeals these determinations and asserts that the hearing officer erred in admitting Carrier's Exhibit No. 6 over his objection. The respondent (carrier) urges affirmance of the hearing officer's decision and contends that the exhibit in question was properly admitted.

DECISION

Affirmed.

With regard to the claimant's objection on appeal of the hearing officer's admission of Carrier's Exhibit No. 6, we note that it is not a "claims check" as referred to by both parties in their appeals. The claims check is actually contained in Carrier's Exhibit No. 9, which the claimant objected to at the hearing on the grounds that it was not relevant. For the first time on appeal, the claimant's only objection to the exhibit containing the claims check is that it was not timely exchanged. The claimant does not assert that the hearing officer erred in admitting the exhibit because it was not relevant. As the claimant did not preserve his right to raise the objection on the basis of timely exchange at the hearing, he waived his right to do so on appeal. Accordingly, we perceive no error in the admission of Carrier's Exhibit No. 6.

Whether the claimant sustained a compensable injury and had disability were factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ARGONAUT-SOUTHWEST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH A. YURKOVICH  
1431 GREENWAY DRIVE SUITE 450  
IRVING, TEXAS 75308.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge